

Docket No. M-1107 US

Response to Non-Final Office Action**Overview**

5 Applicant amended Independent claim 1. Applicant cancelled claims 13-20, without prejudice. Applicant is referring to Lantz, U.S. Patent Number 2006/0120432 A1 by paragraph number when responding as Applicant. Sato U.S. Patent 3,738,173 is referred to as Sato. Makita U.S. Patent 5,340,215 is referred to as Makita. Applicant will respond to the Office Action by paragraph number.

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Background

Applicant's invention claims at least one finger ejects the probe cover from the probe without exposing the ejecting finger to possible contamination by engagement with an exterior surface of the probe cover. The exterior surface of the probe may 15 become contaminated by use within a patient's ear during use. As claimed, the Applicant's ejection finger travels distally toward a distal end of the probe, along the outer surface of the probe and the inner surface of the probe cover for concealing the finger when ejecting the probe cover. The finger engages a proximal face at the inner surface of the probe cover as the finger moves distally along the probe to eject the 20 probe cover.

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Response to Paragraph 3

Applicant respectfully requests the Examiner compare Figure 4 and Figure 9 of Sato. Figure 9 does not show the fingers moving distally toward a distal end of the probe to eject the probe cover. Sato uses its probe, not "fingers" as stated in the Office Action, but defined as a retaining collar 13 for the Sato probe cover, as defined in Sato, to cause the probe cover to eject. See Sato at col. 5, lines 8-16. Sato's "fingers" are stationary, but are further away from the Sato probe cover when the Sato probe ejects its probe cover. By contrast the Applicant's invention, as claimed, uses its finger, moving distally toward a distal end of the probe, to eject the probe cover. As stated above and claimed, the Applicant's ejection finger travels distally toward a distal end of the probe, along the outer surface of the probe and the inner surface of the probe cover. The finger engages a proximal face at the inner surface of the probe cover to eject the probe cover.

Using an ejection finger, as claimed, to engage an interior surface of the probe cover by movement of the finger along the outer surface of the probe toward the distal end of the probe is not shown or suggested by the prior art of record.

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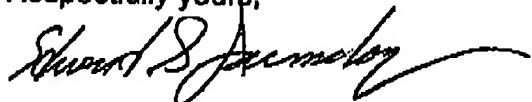
Response to Paragraph's 5 and 6 of the Office Action.

Applicant respectfully suggests claims 2-12 are allowable as being based on an allowable, amended independent claim 1. Claim 20 is cancelled.

5 Summary

..... Applicant respectfully requests an Examiner interview, if the above amendments do not place this application in a condition of allowance. Applicant authorizes the Commissioner for Patents to charge Deposit Account number 190,254 for any late fees or charges necessary to avoid abandonment. I can be reached direct at (508) 261-8476
10 or Edward.Jarmolowicz@tycohealthcare.com.

Respectfully yours,



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